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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 UNITED STATES OF AMERICA,  
9  
10 Plaintiff,

Case No. CR08-159-JLR

11 v.

12 GUSTAVO ROJO-MELENDEZ,  
Defendant.

**PROPOSED FINDINGS OF FACT  
AND DETERMINATION AS TO  
ALLEGED VIOLATIONS OF  
SUPERVISED RELEASE**

13 **INTRODUCTION**

14 I conducted a hearing on alleged violations of supervised release in this case on November  
15 21, 2011. The defendant appeared pursuant to a warrant issued in this case. The United States  
16 was represented by Sarah Y. Vogel, and defendant was represented by Scott Engelhard. Also  
17 present was U.S. Probation Officer Sarah Moore. The proceedings were digitally recorded.

18 **SENTENCE AND PRIOR ACTION**

19 Defendant was sentenced on December 15, 2008 by the Honorable James L Robart for  
20 Possession with Intent to Distribute Cocaine. He received 19 months of detention and 3 years of  
21 supervised release.

22 On July 18, 2011, the Court revoked defendant's term of supervised release and imposed  
23 two months custody along with a new two year term of supervised release which included

1 participation in a residential reentry center ("RRC") for up to 120 days. The revocation occurred  
2 after Mr. Rojo-Melendrez admitted to violating the terms and conditions of his supervision.  
3 Specifically, he violated by using marijuana, using cocaine, and for failing to pay towards his  
4 \$100 special assessment. Defendant released from custody on August 19, 2011, and his new  
5 term of supervised release commenced. Mr. Rojo-Melendrez entered the RRC in Tacoma,  
6 Washington, the same date he released.

7 Mr. Rojo-Melendrez' current term of supervised release is scheduled to expire on August  
8 18, 2013.

#### 9 PRESENTLY ALLEGED VIOLATIONS

10 In a petition dated November 7, 2011, U.S. Probation Officer Carol A. Chavez alleged that  
11 defendant violated the following conditions of supervised release:

- 12 1. Committing the crime of VUCSA-Possession of Cocaine on or about October 14,  
13 2011, in violation of the mandatory condition that he not commit a federal, state, or  
14 local crime.
- 15 2. Failure to notify his probation officer of law enforcement contact within 72 hours,  
16 in violation of standard condition #11.
- 17 3. Associating with persons engaged in criminal activity on or about October 14, 201,  
18 in violation of standard condition #9.

#### 19 FINDINGS FOLLOWING EVIDENTIARY HEARING

20 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
21 and was informed the matter would be set for a disposition hearing December 12, 2011 at 3:00  
22 p.m. before District Judge James L. Robart.

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DATED this 21st day of November, 2011.

BRIAN A. TSUCHIDA  
United States Magistrate Judge